

7
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 9371 of 1987

H.K. Nagarajappa,
s/o B.H. Kenchappa,
r/o B. Durga Village,
Holalkere Taluk,
Chitradurga District

..Petitioner

(By Sri B.K. Manjunath, Advocate)

-Vs-

1. The Chief Secretary,
Chitradurga Zilla Parishadh,
Chitradurga;
2. The Deputy Commissioner,
Chitradurga District,
Chitradurga;
3. The Secretary,
VSSSN, B.DurgaVillage,
Holalkere Taluk,
ChitradurgaDistrict

..Respondents

(By Sri A. Nagarajappa, AGA, for R1 & R2;
Sri D.S. Lingappa and D.L.Suresh, Adv.,
for respondent-3)

--

Writ Petition is filed praying to quash Annexure-C
dated 12-6-1987.

This writ petition coming on for hearing this
day, the Court made the following:-

...2

12

O R D E R

The second respondent had granted an authorisation to the third respondent to run a fair price depot at B.Durga village. According to the petitioner, there were certain complaints against the third respondent and on the basis of a report submitted by the Tahsildar, the second respondent passed an order dated 12-2-1987 [Annexure-A] cancelling the authorisation granted to the third respondent and granting an authorisation to the petitioner. The petitioner claims that he arranged for finances and requested the Tahsildar for allotment of foodgrains for distribution. Though the Deputy Commissioner had directed grant of authorisation by Annexure-A, the authorisation as such, was not issued to the petitioner. In the meanwhile, the first respondent passed an order dated 12-6-1987 [Annexure-C] again granting an authorisation in favour of the third respondent, vide Annexure-C. Feeling aggrieved, petitioner has filed this petition and sought quashing of Annexure-C dated 12-6-1987.

Rmk

2. This Court on 24-6-1987 staying the operation of Annexure-C for a period of four weeks.

The stay was not thereafter continued. Thus, ever from July 1987 the third respondent is running the fair price depot in pursuance of Annexure-C.

3. It is significant that Annexure-C does not cancel the authorisation that was granted to the petitioner. Nothing came in the way of the petitioner pursuing the matter with the concerned authority for issue of authorisation in pursuance of the grant made in his favour. Further, during the pendency of this petition, the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 has come into force and under the said order, the period of authorisation is three years. The said order also provides for having more than one authorisation ^{Holder} in any village or town and indicates ~~clearly~~ the number of ration cards to be assigned to a fair price depot as not less than 300 in the case of rural areas and not less than 500 in the case of urban areas. In view of the fact that the matter is of the year 1987 and nearly eleven years have passed thereafter during the pendency of this petition and the validity

RMR

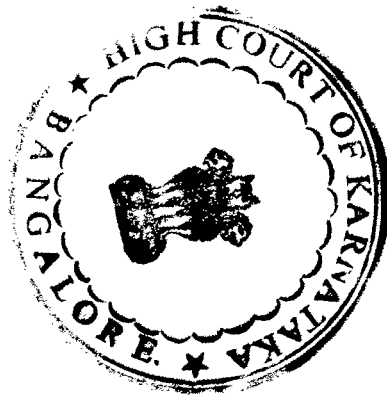
period of authorisation itself is three years and having regard to the fact that the interim stay of Annexure-C was not continued beyond four weeks in 1987, this petition has become infructuous.

4. Reserving liberty to the petitioner to approach the authorities in accordance with the *PDS control* order for grant of fresh authorisation or continuation of authorisation if petitioner has been operating as an authorisation holder, this petition is dismissed as having become infructuous.

1

Sd/-
JUDGE

Bnr/-



10

11